

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

CHRISTOFHER DAMARKUS TEZENO

CIVIL ACTION 16-00231

VS.

SECTION P

JUDGE REBECCA DOHERTY

**SHERIFFS DEPT. OF EVANGELINE PARISH,
ET AL**

MAGISTRATE WHITEHURST

REPORT AND RECOMMENDATION

Before the court is the civil rights complaint (42 U.S.C. § 1983) of *pro se* plaintiff Christofher Damarkus Tezeno filed *in forma pauperis* February 18, 2016. Plaintiff is currently incarcerated at the Caldwell Correctional Center (CCC) in Grayson, Louisiana. His suit arises out of a denial of medical care while serving time at the Evangeline Parish Jail (EPJ), as well as CCC. This matter has been referred to the undersigned for review, report, and recommendation in accordance with the provisions of 28 U.S.C. § 636 and the standing orders of the court.

Law and Analysis

Rule 41(b) of the Federal Rules of Civil Procedure permits dismissal of an action on motion of the defendant “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order” The district court also has the inherent authority to dismiss an action *sua sponte* for failure of a plaintiff to prosecute or to comply with any order of the court. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31, 82 S.Ct. 1386, 1388-89, 8 L.Ed.2d 734 (1962); *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir.1988). This power is “vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link*, 370 U.S. at 630-31. Plaintiff has

failed to comply with an Order directing him to amend his Complaint. This failure on his part warrants dismissal.

For the above reasons,

IT IS RECOMMENDED that plaintiff's civil rights action be **DISMISSED WITH PREJUDICE** in accordance with Rule 41(b) of the Federal Rules of Civil Procedure of the United States District Court for the Western District of Louisiana.

In Chambers, Lafayette, Louisiana, August 11, 2016.



CAROL B. WHITEHURST
UNITED STATES MAGISTRATE JUDGE